

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No.: 07-CV-12387-RGS

)
SOCIETY OF THE HOLY TRANSFIGURATION)
MONASTERY, INCORPORATED,)
Plaintiff,)
)
v.)
)
ARCHBISHOP GREGORY OF DENVER,)
COLORADO,)
Defendant.)

)

**AMENDED MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT
TO RULE 12 OF THE FEDERAL RULES OF CIVIL PROCEDURE**

NOW COMES Archbishop Gregory, hereinafter referred to as the Defendant, through his attorney Richard J. Bombardo, and hereby moves this Honorable Court to dismiss the Plaintiff's Complaint pursuant to Fed.R.Civ.P. 12. upon the grounds that 1) the Commonwealth lacks personal jurisdiction over the defendant pursuant to Mass.Gen.Law Ch.223A, Sec 3; 2) the website in question is passive; 3) the action was filed in the improper venue pursuant to 28 USC § 1391(c); 4) the forum is non conveniens; and 5) the Complaint fails to plead copyright infringement with sufficient particularity such that it fails to state a claim upon which relief can be granted.

In support thereof, the Defendant incorporates the following:

1. The February 12, 208 Affidavit of Archbishop Gregory; and

2. Defendant's Amended Memorandum of Law in Support of Defendant's Motion to Dismiss Plaintiff's Complaint Pursuant to Rule 12 of the Federal rules of Civil Procedure, as if same were fully set forth herein.

WHEREFORE, the Defendant requests that the instant motion be granted, and for such other and further relief as the Court deems just and proper.

Respectfully Submitted,
ARCHBISHOP GREGORY,

Dated: February 14, 2008

/s/ Richard J. Bombardo
Richard J. Bombardo, Esq.
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CERTIFICATE OF SERVICE

I, Richard J. Bombardo, hereby certify that I have served a true copy of the foregoing upon counsel for Plaintiff, by mailing a copy of same this 19th day of February, 2008.

/s/ Richard J. Bombardo
Richard J. Bombardo